

Senate Amendment 5217

PAG LIN

1 1 Amend Senate File 2403 as follows:
1 2 #1. Page 4, by striking lines 23 through 25 and
1 3 inserting the following: <chapter is guilty of a
1 4 simple misdemeanor, and be.>
1 5 #2. By striking page 4, line 32, through page 5,
1 6 line 3, and inserting the following: <referral by the
1 7 department.
1 8 a. The department shall not impose a civil penalty
1 9 for the first alleged violation of a provision of this
1 10 chapter, including a rule adopted pursuant to this
1 11 chapter. In that case, the department shall issue a
1 12 letter of warning which includes all of the following:
1 13 (1) The alleged violator's name, trade name, and
1 14 address.
1 15 (2) A description of the alleged violation with
1 16 specific citation to the statute or administrative
1 17 rule alleged to have been violated.
1 18 (3) The location, date, and time of the alleged
1 19 violation.
1 20 b. For a violation of the same provision of this
1 21 chapter, including a rule adopted pursuant to this
1 22 chapter, arising subsequent to the issuance of a
1 23 letter of warning, the department may impose, assess,
1 24 and collect a civil penalty as follows:
1 25 (1) For the first violation after the letter of
1 26 warning, the amount of the civil penalty shall not
1 27 exceed one hundred dollars.
1 28 (2) For the second violation after the letter of
1 29 warning, the amount of the civil penalty shall not
1 30 exceed five hundred dollars.
1 31 (3) For each subsequent violation after the letter
1 32 of warning, the amount of the civil penalty shall not
1 33 exceed one thousand dollars.
1 34 When imposing a civil penalty, the department shall
1 35 consider the degree and extent of potential harm
1 36 caused by the violation, the amount of money which the
1 37 violator obtained as a result of the noncompliance,
1 38 whether the violation was committed willfully, and the
1 39 compliance record of the violator.
1 40 2A. a. Except as provided in paragraph "b", the
1 41 state is>.
1 42 #3. Page 6, by inserting after line 35 the
1 43 following:
1 44 <Sec. _____. NEW SECTION. 214.12 SUSPENSION OF
1 45 REQUIREMENTS.
1 46 The department may suspend in whole or in part any
1 47 requirement of this chapter, including a rule adopted
1 48 pursuant to this chapter, as applied to an identified
1 49 person on the basis of the particular circumstances of
1 50 that person, when the department determines that the
2 1 suspension promotes the maintenance of good commercial
2 2 practices within the state.>
2 3 #4. Page 12, by striking lines 7 and 8 and
2 4 inserting the following: <misdemeanor.>
2 5 #5. Page 12, by striking lines 15 through 21 and
2 6 inserting the following: <referral by the department.
2 7 a. The department shall not impose a civil penalty
2 8 for the first alleged violation of a provision of this
2 9 chapter, including a rule adopted pursuant to this
2 10 chapter. In that case, the department shall issue a
2 11 letter of warning which includes all of the following:
2 12 (1) The alleged violator's name, trade name, and
2 13 address.
2 14 (2) A description of the alleged violation with
2 15 specific citation to the statute or administrative
2 16 rule alleged to have been violated.
2 17 (3) The location, date, and time of the alleged
2 18 violation.
2 19 b. For a violation of the same provision of this
2 20 chapter, including a rule adopted pursuant to this
2 21 chapter, arising subsequent to the issuance of a
2 22 letter of warning, the department may impose, assess,
2 23 and collect a civil penalty as follows:
2 24 (1) For the first violation after the letter of

2 25 warning, the amount of the civil penalty shall not
2 26 exceed one hundred dollars.

2 27 (2) For the second violation after the letter of
2 28 warning, the amount of the civil penalty shall not
2 29 exceed five hundred dollars.

2 30 (3) For each subsequent violation after the letter
2 31 of warning, the amount of the civil penalty shall not
2 32 exceed one thousand dollars.

2 33 c. When imposing a civil penalty, the department
2 34 shall consider the degree and extent of potential harm
2 35 caused by the violation, the amount of money which the
2 36 violator obtained as a result of the noncompliance,
2 37 whether the violation was committed willfully, and the
2 38 compliance record of the violator.

2 39 3. a. Except as provided in paragraph "b", the
2 40 state is>.

2 41 #6. Page 13, by inserting after line 7 the
2 42 following:

2 43 <Sec. _____. NEW SECTION. 215.28 SUSPENSION OF
2 44 REQUIREMENTS.

2 45 The department may suspend in whole or in part any
2 46 requirement of this chapter, including a rule adopted
2 47 pursuant to this chapter, as applied to an identified
2 48 person on the basis of the particular circumstances of
2 49 that person, when the department determines that the
2 50 suspension promotes the maintenance of good commercial
3 1 practices within the state.>

3 2 #7. Page 13, by striking lines 23 through 29 and
3 3 inserting the following: <referral by the department.

3 4 a. The department shall not impose a civil penalty
3 5 for the first alleged violation of a provision of this

3 6 chapter, including a rule adopted pursuant to this
3 7 chapter. In that case, the department shall issue a
3 8 letter of warning which includes all of the following:

3 9 (1) The alleged violator's name, trade name, and
3 10 address.

3 11 (2) A description of the alleged violation with
3 12 specific citation to the statute or administrative
3 13 rule alleged to have been violated.

3 14 (3) The location, date, and time of the alleged
3 15 violation.

3 16 b. For a violation of the same provision of this
3 17 chapter, including a rule adopted pursuant to this
3 18 chapter, arising subsequent to the issuance of a
3 19 letter of warning, the department may impose, assess,
3 20 and collect a civil penalty as follows:

3 21 (1) For the first violation after the letter of
3 22 warning, the amount of the civil penalty shall not
3 23 exceed one hundred dollars.

3 24 (2) For the second violation after the letter of
3 25 warning, the amount of the civil penalty shall not
3 26 exceed five hundred dollars.

3 27 (3) For each subsequent violation after the letter
3 28 of warning, the amount of the civil penalty shall not
3 29 exceed one thousand dollars.

3 30 When imposing a civil penalty, the department shall
3 31 consider the degree and extent of potential harm
3 32 caused by the violation, the amount of money which the
3 33 violator obtained as a result of the noncompliance,
3 34 whether the violation was committed willfully, and the
3 35 compliance record of the violator.

3 36 3. a. Except as provided in paragraph "b", the
3 37 state is>.

3 38 #8. Page 14, by inserting after line 15 the
3 39 following:

3 40 <Sec. _____. NEW SECTION. 215A.11 SUSPENSION OF
3 41 REQUIREMENTS.

3 42 The department may suspend in whole or in part any
3 43 requirement of this chapter, including a rule adopted
3 44 pursuant to this chapter, as applied to an identified
3 45 person on the basis of the particular circumstances of
3 46 that person, when the department determines that the
3 47 suspension promotes the maintenance of good commercial
3 48 practices within the state.>

3 49 #9. By renumbering as necessary.

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4 4 SF 2403.201 81
4 5 da/sh/5689

